

Appln No. 10/762,937
Amdt date January 27, 2006
Reply to Office action of November 1, 2005

REMARKS/ARGUMENTS

Claims 21-39 are in the present application, of which claims 21, 28 and 35 are independent. Claims 1-20 have been canceled without prejudice, and new claims 21-39 have been added. Applicants request consideration on the merits and allowance of the newly added claims 21-39 in view of the remarks below.

I. Information Disclosure Statement filed 1/21/2004

According to the Office Action, "[t]he information disclosure statement filed 1/21/2004 fails to comply with 37 CFR 1.98(a)(2), which requires a legible copy of each cited foreign patent document; each non-patent literature publication or that portion which caused it to be listed; and all other information or that portion which caused it to be listed." Applicants are submitting copies of these references (which are of record in the parent application) together with an Information Disclosure Statement to be considered by the Examiner.

II. Substance of the Interview

Applicants thank the Examiner for the time and courtesy extended to Applicants' attorney during the telephone interview of January 23, 2006. During the telephone interview, Applicants' attorney and the Examiner discussed the newly added claims 21-39 in reference to the § 112 rejections in the Office Action. The Examiner agreed that the new claims 21-39 overcome the rejections in the Office Action.

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III. Rejection of claims 1-20 under 35 U.S.C. § 112, second paragraph

Claims 1-20 were rejected under 35 U.S.C. § 112, second paragraph, "as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention." Since claims 1-20 are canceled herein, the rejection of claims 1-20 is now moot. However, Applicants nevertheless will address the rejection because the new claims 21-39 are directed to the subject matter that is similar to the subject matter of the canceled claims 1-20.

Rejection of claims 1, 8 and 15

In rejecting claims 1, 8 and 15, the Examiner asserts that "the claim limitation of generating the pixels at a display time is indefinite." While the term "display time" is not present in new claims 21-39, Applicants would like to traverse the Examiner's finding of indefiniteness of the term "display time" because this term is quite definite. For example, the term "display time" finds support in at least page 25, line 16 through page 26, line 3 of the instant specification as filed, which recites:

At every display field time or a frame time, the display engine constructs the display image from the current window descriptor list. The display engine composites all of the graphics windows in the current window descriptor list into a complete screen image in accordance with the parameters in the window descriptors and the raw graphics data associated with the graphics windows. With the introduction of window descriptors and real-time composition of graphics windows, a graphics window with a solid color and fixed translucency may be described entirely in a window descriptor having appropriate parameters. These parameters describe the color and the translucency (alpha) just as if it were a

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normal graphics window. The only difference is that there is no pixel map associated with this window descriptor. The display engine generates a pixel map accordingly and performs the blending in real time when the graphics window is to be displayed. (Emphasis Added).

In view of at least the above portion of the specification as filed, Applicants submit that the limitation of "the pixels having the single color are generated at a display time using the color indicating field" is fully supported by the specification. Applicants appreciate the Examiner's reminder of a potential impact of *Datamize, LLC, v. Plumtree Software, Inc.*, 75 USPQ2D 1801 (CAFC Decided: August 5, 2005) concerning the affects of deleting limitations in a child application's claims that are present in a parent application's claims. However, Applicants submit that the present case is distinguishable from the *Datamize* case because whereas the term "aesthetically pleasing" was found to be quite subjective and indefinite in the *Datamize* case, the term "display time" is sufficiently supported by the specification as filed and is definite.

Rejection of Claims 1-14 and 15-20

Claims 1-14 were rejected because "[i]f a single color is both the logical surface and the graphics image then one cannot see the graphics image from the logical surface since they are the same color." Claims 15-20 were rejected because "[i]f a single color is both the window and the graphics image then one cannot see the graphics image from the window since they are the same color."

In exemplary embodiments according to the present invention, "the pixels for the graphics image including pixels

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of the single color are generated using the color indicating field by applying the single color to the corresponding one of the logical surfaces" (e.g., claim 21) or "the graphics image including pixels of the single color is generated by applying the single color to a corresponding one of the windows using the color information." (e.g., claim 35). This is done rather than previously storing the pixels in a graphics memory, so as to reduce memory size or bandwidth required in conventional approaches. These limitations are supported by the instant specification as filed on page 26, lines 5-15, which recites:

For example, a window consisting of a rectangular object having a constant color and a constant alpha value may be created on a screen by including a window descriptor in the window descriptor list. In this case, the window descriptor indicates the color and the alpha value of the window, and a null pixel format, i.e., no pixel values are to be read from memory. Other parameters indicate the window size and location on the screen, allowing the creation of solid color windows with any size and location. Thus, in the preferred embodiment, no pixel map is required, memory bandwidth requirements are reduced and a window of any size may be displayed. (Emphasis Added).

In view of the foregoing, Applicants submit that there is no concern of not being able to see the graphics image from the window because the intent of generating a graphics image including pixels of the single color is to define a solid surface having a single color, which may have translucency.

On page 3 of the Office Action, the Examiner asserts regarding claims 1-14 that "after reviewing page 30 lines 8-15 of applicants specification it is clear in applicants specification the logical surface and the graphics image are the same" and that "these claims claim graphics images per logical surface which is also incorrect after reviewing the same section

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of the specification." The Examiner further asserts regarding claims 15-20 that "after reviewing page 30 lines 8-15 of applicants specification it is clear in applicants specification the window and the graphics image are the same" and that "these claims claim graphics images per window which is also incorrect after reviewing the same section of the specification."

Applicants traverse as follows. It is clear in the instant specification on page 3, lines 5-13 in the Summary of the Invention section that "graphics images [are] arranged in logical surfaces called windows for display" and that a data structure may include "a field indicating a location of the logical surface on the display; and a field indicating a location in memory where graphics image data for the logical surface may be stored." A similar disclosure is also found on page 25, lines 1-11. As such, while the graphics image and the logical surface (or the window) may together be viewed as a single graphics layer, or may even be viewed as a single logical surface or window since they normally would be used together on a display, Applicants believe that there is sufficient support in the specification for describing a graphics image as being arranged on the underlying window or logical surface.

Regarding page 30, lines 8-15 referenced by the Examiner, this passage describes one particular instance of the use of the graphics window when the window format parameter is 10xxb, where x can be '0' or '1'. When the window format parameter is 10xxb, "the pixels for the graphics image including pixels of the single color are generated using the color indicating field by applying the single color to the corresponding one of the

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logical surfaces." Hence in this case, the graphics image is generated by applying the single color to pixels of the corresponding logical surface (or window).

Therefore, page 30, lines 8-15 of the instant specification is not inconsistent with the limitation of "a plurality of logical surfaces on which graphics images are arranged, at least one of the graphics images including pixels of a single color." (Claim 21) or "each data structure defining a corresponding one of a plurality of windows on which graphics images are arranged" (Claim 35), and claims 21-39 clearly claim exemplary embodiments of the instant invention.

Additional Rejection of Claims as Appearing to be Object Orient Graphics Programming

On page 3 of the Office Action, the Examiner states that "[t]hese broad claims when read in light of the specification at page 23 line 28 to page 53 line 20 without the extra fields of claim 2 appear to be object oriented graphics programming for overlapping rectangles. Thus, these claims need to be amended to better claim applicants disclosed inventive data structure." Claims 1-20 are canceled herein, and their rejection is now moot. Further, Applicants believe that the Examiner's objection has been addressed in the newly added claims 21-39.

Rejection of Claims 1-7

On page 4 of the Office Action, the Examiner states "[c]laims 1-7 claim in the preamble a data structure while the 'wherein' clauses add method steps. Claims 1-7 are canceled

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herein, and their rejection is now moot. Further, Applicants believe that the Examiner's concern has been addressed in the newly added claims 21-39.

Rejection of Claims 2 and 9

On page 4 of the Office Action, the Examiner states "[c]laims 2 and 9 use the phrase 'at least one of' however, the specification did not describe using more than one of the listed fields for each logical surface or window. Applicants thank the Examiner for the guidance and the references to *Superguide Corp. v. DirectTV Enterprises, Inc.*, 358 F.3d 870, 69 USPQ2d 1865, 1878 (Fed. Cir. 2004) and *IPXL Holdings LLC v. Amazon.com Inc.*, 72 USPQ2d 1469, 1480 (DC Eva 2004). However, claims 2 and 9 are canceled herein, and their rejection is now moot. Further, Applicants believe that the Examiner's concern has been addressed in the newly added claims 21-39.

Rejection of Claims 16, 19 and 20

Claims 16, 19 and 20 have been rejected as claiming "at least one of the data structures." The Examiner states that the specification does not "describe using more than one of the fields to 'indicate color of the graphics image' (claim 16) . . . 'alpha values for the graphics image' (claim 19), and 'location of a corresponding window' (claim 20)." Since claims 16, 19 and 20 are canceled herein, their rejection is now moot.

Applicants believe that the claims now in the present application do not suffer any deficiency to be rejected by a similar rejection. By way of example, the newly added claims

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36, 38 and 39 recite, respectively, "at least one of the data structures includes a field indicating a color of the graphics image," "at least one of the data structures includes a field indicating an alpha value for the graphics image," and "at least one of the data structures includes a location of the corresponding one of the windows on a display." As such, none of claims 36, 38 and 39 is directed to using more than one of the fields to perform the same function. Therefore, Applicants does not believe that any rejection of claims 16, 19 and 20 applies to claims 36, 38 and 39.

Rejection of Claims 1, 5 and 6

Claims 1, 5 and 6 were rejected under 35 U.S.C. § 112, second paragraph, as being incomplete for allegedly omitting essential elements, such omission amounting to a gap between the elements. According to the Office Action, "[t]he omitted elements are: additional fields to make the claim a complete data structure." The rejection of claims 1, 5 and 6 is moot as they are canceled herein. Applicants submit that none of claims 21-39 has such omitted elements.

Rejection of Claims 8, 12, 13 and 15-20

Claims 8, 12, 13 and 15-20 were rejected under 35 U.S.C. § 112, second paragraph, as being incomplete for allegedly omitting essential steps, such omission amounting to a gap between the steps. According to the Office Action, "[t]he omitted steps are: additional fields to make the claim a complete data structure." The rejection of claims 8, 12, 13 and

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15-20 is moot as they are canceled herein. Applicants submit that none of claims 21-39 has such omitted steps.

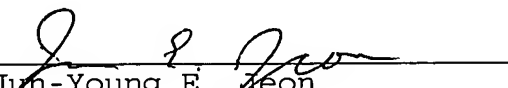
Other Remarks by the Examiner

Applicants thank the Examiner for suggesting filing of a terminal disclaimer to overcome a potential double patenting rejection over the parent patent, namely, U.S. Patent No. 6,731,295. Applicants will be sure to file a terminal disclaimer to obviate any double patenting rejection in the future as needed.

IV. Concluding Remarks

In view of the foregoing amendments and remarks, the newly added claims 21-39 are believed allowable. Applicants respectfully request an early issuance of patent with claims 21-39. If there are any remaining issues that can be addressed over the telephone, the Examiner is cordially invited to call Applicants' attorney at the number listed below.

Respectfully submitted,
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